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March 5, 2007

David Saliwanchik

David R. Saliwanchik, Patent Attorney

Patent Application
Docket No. GJE-7555
Serial No. 10/568,241

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Donald James Highgate *et al.*
Serial No. : 10/568,241
Filed : February 14, 2006
Art Unit : Not yet assigned
For : Photovoltaic Cell

Office of Petitions
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO FILE APPLICATION WITHOUT
SIGNATURE OF JOINT INVENTOR

Sir:

Pursuant to 37 CFR 1.47(a), the applicants hereby petition to file the above-identified application without the signature of joint inventor Lindsey Harrison. The applicants have been unsuccessful in obtaining the signature of Ms. Harrison

The applicants have made diligent efforts to locate Ms. Harrison. However, all attempts to locate Ms. Harrison have been unsuccessful. Following are proof of the pertinent facts which support applicants' petition.

In June of 2003, Ms. Harrison was hired by ITM Fuel Cells Ltd. (previously named "ITM Power Ltd."), hereinafter "ITM", assignee of the subject patent application, on a short-term basis for the summer. Attached are copies of a letter dated June 12, 2003 to Ms. Harrison from ITM and a Consultancy Agreement signed by Ms. Harrison.

At the conclusion of the summer term, it was the understanding of ITM that Ms. Harrison would return to work for ITM after completing her Master's program at Sheffield University. However, Ms. Harrison never returned to work for ITM.

In an effort to locate Ms. Harrison, an ITM employee placed several calls to Ms. Harrison's personal mobile phone to no avail. The ITM employee also contacted Ms. Harrison's supervisor at Sheffield University and was informed that Ms. Harrison did not attend her own graduation. To our knowledge, neither ITM nor Sheffield University has heard of Ms. Harrison since.

Attached are copies of an envelope and enclosed documents that were sent to Ms. Harrison at her last known address (115 Gell Street, Sheffield, S3 7QT, United Kingdom) via the Royal Mail service. However, the documents were returned to sender with an explanation that the mail item was undeliverable because the "addressee has gone away". The mail deliverer further notated on the returned mail item that the addressee was "no longer at this address".

Please charge the petition fee of \$200 to Deposit Account 19-0065. The Commissioner is hereby authorized to charge any additional fees as required by 37 CFR 1.17(g) to Deposit Account No. 19-0065. Two copies of this Petition are enclosed for authorization of charges to the Deposit Account.

Respectfully submitted,



David R. Saliwanchik
Patent Attorney
Registration No. 31,794
Phone No.: 352-375-8100
Address : P.O. Box 142950
Gainesville, FL 32614-2950

DRS/la

Enclosures: Letter from ITM to Ms. Harrison dated June 12, 2003
Copy of Consultancy Agreement signed by Ms. Harrison
Letter and documents sent to Ms. Harrison on May 8, 2006

03/12/2007 JBALINAH 00000002 190065 10568241

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Alexandria, VA 22313 on March 5, 2007

Patent Application

Docket No. GJE-7555

Serial No. 10/568,241

David Saliwanchik

David R. Saliwanchik, Patent Attorney

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Donald James Highgate *et al.*

Serial No. : 10/568,241

Conf. No. : 9552

Filed : February 14, 2006

For : Photovoltaic Cell

Mail Stop PCT/MISSING REQUIREMENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

TRANSMITTAL LETTER

03/09/2007 JBALINAN 00000057 190065 10568241
01 FC:1617 130.00 DA

Sir:

The Applicants received a Notification of Missing Requirements Under 35 U.S.C. 371 from the United States Designated/Elected Office (DO/EO/US), dated February 5, 2007 in the above-referenced patent application. The Notification requests that the applicants submit an executed Declaration and Power of Attorney form.

Transmitted herewith is an executed Declaration (37 CFR 1.63) and Power of Attorney form for the subject patent application. Please note that co-inventor Lindsey Harrison has not signed the Declaration for this case. Also attached herewith is a Petition to File Application Without Signature of Joint Inventor with authorization to charge petition fee.

Docket No. GJE-7555
Serial No. 10/568,241

Please charge the surcharge of \$130 for the late-filed Declaration (37 CFR 1.63) to Deposit Acct. No. 19-0065. The Commissioner is hereby authorized to charge any additional fees that may be required to Deposit Account No. 19-0065. Two copies of this letter are enclosed.

Respectfully submitted,



David R. Saliwanchik
Patent Attorney
Registration No. 31,794
Phone No.: 352-375-8100
Address : PO Box 142950
Gainesville, FL 32614-2950

DRS/la

Attachments: Executed Declaration (37 CFR 1.63) and Power of Attorney form;
Petition to File Application Without Signature of Joint Inventor; and
Copy of Notice to File Missing Requirements